

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

ELLIS MATTHEWS,)	
)	
Plaintiff,)	
)	CASE NO.:
v.)	
)	
HECTOR E. CABRALES, et al.)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant Home Depot USA, Inc., by and through undersigned counsel, hereby gives notice of removal of the above action from the Circuit Court of Anne Arundel County, Maryland (“Circuit Court”), to the United States District Court for the District of Maryland, Northern Division, pursuant to 28 U.S.C. §§ 1332(a), 1441 and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit Court and in this Notice of Removal.

In support of this Notice of Removal, Home Depot states as follows:

1. On March 1, 2024, Plaintiff Ellis Matthews filed a Complaint in the Circuit Court for Anne Arundel County, Maryland captioned Ellis Matthews v. Hector E. Cabrales et al., Case No. C-02-CV-24-000508 (the “State Court Action”), which is currently pending before the court. A copy of the Complaint with Election for Jury Trial is attached hereto as Exhibit 1.

2. A copy of the summons issued in the State Court Action is attached hereto as See Exhibit 2.

3. Home Depot was served with a copy of the summons and Complaint with jury trial demand in the State Court Action on March 18, 2024 See Exhibit 3.

4. This Notice of Removal is filed within thirty days of the date upon which Home Depot first received service of a copy of the Plaintiff's Complaint and is therefore timely pursuant to 28 U.S.C. § 1446(b).

5. Home Depot, the removing party herein, is the only defendant that has been served the State Court Action.

6. It has been less than one year since the civil action was originally instituted in the state court.

7. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

8. Upon information and belief Plaintiff is a resident and citizen of the state of Maryland. See Exhibit 1.

9. The incident in dispute allegedly occurred in Washington, DC. See Exhibit 1, ¶8.

10. Defendant Home Depot is incorporated under the laws of the State of Delaware with its principal place of business in Atlanta, Georgia.

11. Plaintiff's Complaint seeks damages from Home Depot in an amount in excess of \$75,000. See Exhibit 1, ¶ 10.

12. This action is properly removed on grounds of diversity jurisdiction because (a) complete diversity of citizenship exists between Plaintiff and Defendant Home Depot, and (b) the amount in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs.

13. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court for Prince George's County, Maryland, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant HOME DEPOT U.S.A., INC. respectfully requests that this case proceed before this Court as an action properly removed.

/s/ Amber Patrice Cleaver
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Notice of Removal was filed electronically on this 17th day of April, 2024 through the Court's CM/ECF system and on the same date a copy was electronically served on the following:

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